



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

TELEPHONE
(213) 974-1801
FACSIMILE
(213) 626-7446
TDD
(213) 633-0901

RAYMOND G. FORTNER, JR.
County Counsel

February 12, 2007

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**AMENDMENT OF THE ORDINANCE GOVERNING
THE PRESENTATION OF A CLAIM
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

IT IS RECOMMENDED THAT YOUR BOARD:

Enact the enclosed amended ordinance updating the claim prerequisites for maintaining an action against the County, and of the form of such claim.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

By statute, the Board of Supervisors may enact an ordinance prescribing the procedure for asserting a claim against the County for money or damages. The current ordinance prescribing the form of such claims does not expressly address claims for tax refunds, and it has been asserted that it allows for class claims.

The proposed amended ordinance would specify class presentation requirements pertaining to tax refund claims not otherwise governed by a statutory claim presentation requirement. In addition, the amended ordinance further specifies that the presentation of a class claim against the County is an available procedure provided that such claim is signed and verified by every member of the class within the time required by Government Code section 911.2.

Implementation of Strategic Plan Goals

Goal No. 4: Fiscal Responsibility: Enactment of the ordinance will further the strategic plan goal of effectively managing the County's fiscal capacity.

Current law does not address the viability of class claims against the County. The proposed amendment will specify that a class claim is an available procedure provided that a claim is verified by each member of the class. In addition, the proposed amended ordinance will clarify that a claim requirement applies to tax litigation.

It is anticipated that the proposed amended ordinance will better define the County's potential exposure in class action litigation, and will allow for earlier and improved identification, investigation, and resolution of such potential liabilities.

FISCAL IMPACT/FINANCING

It is anticipated that enactment of the proposed amended ordinance will allow the County to better manage its potential exposure to litigation.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Government Code section 935 authorizes the Board of Supervisors by ordinance to prescribe the procedure for presenting a claim for money and damages against the County for claims not otherwise governed by statute or regulation expressly relating thereto.

The Honorable Board of Supervisors
February 12, 2007
Page 3

IMPACT ON CURRENT SERVICES

The proposed amended ordinance will not impact current services.

Respectfully submitted,


RAYMOND G. FORTNER, JR.
County Counsel

RGF:AR:lm

Enclosures

c: David E. Janssen
Chief Administrative Officer

Sachi A. Hamai, Executive Officer
Board of Supervisors

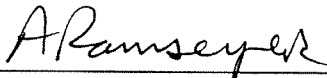
J. Tyler McCauley
Auditor-Controller

Mark J. Saladino
Treasurer & Tax Collector

ANALYSIS

This ordinance amends Title 4 - Revenue and Finance of the Los Angeles County Code, section 4.04.020, to clarify that the requirement to present a claim applies to suits for refunds of taxes asserted against the County. In addition, section 4.04.050 is amended to specify that a class claim may only be presented provided that it is signed and verified by each member of the class within the time required by Government Code section 911.2.

RAYMOND G. FORTNER, JR.
County Counsel

By: 
ALBERT RAMSEYER
Principal Deputy County Counsel
Government Services Division

AR:lm
[Requested 1/4/07]
[Revised 1/18/07]

ORDINANCE NO. _____

An ordinance amending Title 4 – Revenue and Finance of the Los Angeles County Code, relating to claims and actions.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 4.04.020 is hereby amended to read as follows:

4.04.020 Claims – Suits for money or damages – Claim prerequisites.

No suit for money, ~~or damages, or tax refunds~~ may be brought against the county on a cause of action for which this chapter requires a claim to be presented until a written claim therefore has been filed and acted upon in conformity with this chapter and Sections 945.4 and 945.6 of the Government Code.

SECTION 2. Section 4.04.050 is hereby amended to read as follows:

4.04.050 Claims -- Presentation and contents.

A signed, written claim shall be presented to the county of Los Angeles by mailing or delivering it to the clerk of the board of supervisors, or to the county auditor-controller, or to the board of supervisors by the claimant or by the claimant's authorized agent. The claim shall conform to the requirements of Section 910 of the Government Code or of a form provided by the county, if such claim form is provided. A claim filed for or on behalf of a class of taxpayers shall do all of the following:

- (1) Be accompanied by each taxpayer's written authorization to be a member of the class or to be represented by the authorized agent.

- (2) Be signed and verified by each taxpayer or the taxpayer's authorized agent within the time specified for the presentation of claims as set forth in Government Code section 911.2.
- (3) Set forth the amount individually claimed by each taxpayer, together with the basis of computation of that amount.

[404050ARCC]

HOA.403275.1